

# Notice of Allowability

Application No.

10/054,082

Examiner

Blessing M. Fubara

Applicant(s)

TERRY ANN OLDFIELD

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## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to communication filed 09/14/04.
2. ☒ The allowed claim(s) is/are 6-8 (claims are renumbered).
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 09/14/04
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

THURMAN K. PAGE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1600

### **DETAILED ACTION**

Examiner acknowledges receipt of request for continued examination, Form PTO 1449 and remarks filed 09/14/04. Claims 6-8 are pending.

#### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicants' submission filed on 09/14/04 has been entered.

#### ***Information Disclosure Statement***

Clarification of claimed invention in view of statement of reasons for allowance is not prior art.

#### **Response to Applicants' Proposed Reasons for Allowance**

Applicants' communication on the reasons for allowance have been considered and made of record.

### **EXAMINER'S AMENDMENT**

Attorney Bernard J. Graves, Jr. on 06/09/04 approved the amendment below. The application has been amended as follows:

In claim 6, item (iv), beginning line 3, replace "ester, i.e., carbonyloxy linkages" with ---carbonyloxy ester linkages---

In claim 6, line 9, in the parenthesis, replace "1" with ---I---

In claim 6, line 16, in the parenthesis, replace "1" with ---I---

***Allowable Subject Matter***

2. The following is an examiner's statement of reasons for allowance:

O'Neill et al. (US 4,300,580) discloses a composition that comprises a sulfonated linear polyester (abstract), additives (column 4, lines 22-25), and substances such as modified or natural starch, high molecular weight amine, protein, polymer containing amide group, polyvinyl alcohol, partially hydrolyzed poly(vinyl acetate), addition polymer containing carboxyl group, carboxymethyl cellulose and polyalkylene ether and water-alcohol vehicle (column 4, lines 39-53). While the O'Neill sulfonated linear polyester is of the type recited in the instant claims, O'Neill differs from the instant claims in that the composition of O'Neill does not contain partially or totally neutralized carboxyalkyl cellulose ester and O'Neill does not suggest esterifying or neutralizing the carboxymethyl cellulose that may be contained in the composition.

Allen et al. (US 5,792,856) discloses a coating composition that comprises 0.1-50% wt% partially neutralized carboxyalkyl cellulose ester having an inherent viscosity of 0.20 to 0.70 dL/g, 0.1 to 50 wt% polyester or polyesteramide resin and about 5-70 wt% organic solvent or solvent mixture and additives (abstract; column 4, lines 7-36; and column 8, line 8 to column 9, line 40). Allen differs from the instant claims in that the polyester in Allen is not sulfonated.

Posey-Dowty et al. (US 5,994,530) discloses a coating composition comprising (a) about 0.1 to about 50 wt% carboxyalkylcellulose ester having an inherent viscosity of about 0.20 to 1.70 dL/g, degree of substitution per anhydroglucose unit of carboxy (C<sub>1</sub>-C<sub>3</sub>-alkyl) of greater than 0.2 to 0.75 and a degree of substitution per anhydroglucose unit of C<sub>2</sub>-C<sub>4</sub> ester of about 1.5 to 2.70, (b) about 0.1 to 50 wt%, of polyester or polyesteramide resin, based on the total weight of the composition, and (c) about 5-70 wt% of an organic solvent or solvent mixture based on the total weight of the composition (abstract and column 10, lines 45-63). Posey-Dowty differs from the

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instant claims in that the polyester in the coating composition of the Posey-Dowty is not sulfonated.

In light of the above discussion, the pending claims are allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blessing M. Fubara whose telephone number is (571) 272-0594. The examiner can normally be reached on 7 a.m. to 3:30 p.m. (Monday to Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thurman K. Page can be reached on (571) 272-0602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BF

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